

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re the matter of

CHAPTER 13

Thomas Alan Gluzinski

NO. 15 B 26561

Debtor.

Judge A. Benjamin Goldgar
(Lake)NOTICE OF MOTION

TO:

Thomas Alan Gluzinski
1602 Nightengale Circle
Lindenhurst, IL 60446
Via regular mailCharles L. Magerski
Via electronic notification

Glenn B. Stearns
Via electronic notificationKathy Gluzinski
1602 Nightengale Circle
Lindenhurst, IL 60446
Via regular mail

PLEASE TAKE NOTICE that on August 21, 2015 at 9:30 a.m., or as soon thereafter as Counsel may be heard, we shall appear before the Honorable A. Benjamin Goldgar, Bankruptcy Judge, at the North Branch Court (Round Lake Beach), 1792 Nicole Lane, Round Lake Beach, Illinois, 60073, and then and there present the attached Motion, a copy of which is hereby served upon you.

PROOF OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice with Motion attached, upon the Debtor(s), as listed above, and upon Kathy Gluzinski, as listed above, by mailing same in a properly addressed envelope, postage prepaid, from 120 South LaSalle Street, Chicago, Illinois 60603. And that the Debtor's attorney, as listed above, as well as the case Trustee, as listed above, were both served via electronic notification that occurs automatically upon the filing of said Motion. That the motion was filed, and the placement of any mailed copies being placed in the mail occurred before the hour of 5:00 P.M. on the 6th day of August, 2015.

Christopher H. Purcell
SHERMAN & PURCELL LLP
120 South La Salle Street
Chicago, Illinois 60603
Phone: (312) 372-1487
Atty. for GREAT LAKES CREDIT UNION

BY: s/ Christopher H. Purcell
CHRISTOPHER H. PURCELL

In re the matter of

Thomas Alan Gluzinski

Debtor.

CHAPTER 13

NO. 15 B 26561

Judge A. Benjamin Goldgar
(Lake)

MOTION TO MODIFY AUTOMATIC STAY & 1301 RELIEF

Now comes GREAT LAKES CREDIT UNION, a creditor herein, by SHERMAN & PURCELL LLP, its attorneys, and moves this Honorable Court for entry of an Order modifying the restraining provisions of §362 and 1301 of the Bankruptcy Code, and in support thereof respectfully represents as follows:

1. Great Lakes Credit Union (hereinafter the "Movant") is a secured creditor of the Debtor with respect to a share secured loan. The Statement to Accompany Motions for Relief from Stay is attached hereto and incorporated herein including, but not limited to, the description of the collateral. The Movant is a creditor of the Debtor with respect to a debt secured by funds on deposit and the Movant has the right of set-off.

2. There funds on deposit are not necessary for an effective reorganization, nor is there any equity in the funds that are to be set off. The Movant will suffer irreparable injury, harm and damage should it be delayed in taking possession of said account aforesaid and exercising its right to set-off and requests that Bankruptcy Rule 4001(a)(3) not apply.

3. There has not been a proposed plan filed as of the time this motion was drafted.

There is no reason to prevent the set off as it will prevent the accruing of additional interest, fees and costs. Furthermore, the debtor has not reimbursed the Movant for the fees and costs incurred by the Movant for the presentment of this motion, to which, the Movant is entitled. That Kathy Gluzinski is a co obligor on the Visa account.

4. The Movant has a lien on the shares, accumulated dividends or interest of a member in his individual, joint or trust account, for any sum due the credit union from said member or for any loan owed, cosigned or guaranteed by him pursuant to 205 ILCS 305/43 of the Illinois Credit Union Act.

5. The Movant has imposed an administrative freeze on said accounts to the extent necessary to protect their interest therein. In re: Strumph, 516 US 16 (1995). The Movant is in need for relief from the automatic stay in order to effectuate its right to set-off with respect to the aforesaid account.

WHEREFORE, GREAT LAKES CREDIT UNION prays that this Honorable Court enter an Order modifying the restraining provisions of §362 of the Bankruptcy Code to permit the said GREAT LAKES CREDIT UNION to effectuate its right of set-off with respect to the account maintained by the Debtors at said credit union, and for relief from the co-debtor stay and for such other and further relief as this Court may deem just and equitable.

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GREAT LAKES CREDIT UNION
BY: s/ Christopher H. Purcell
CHRISTOPHER H. PURCELL,
One of its Attorneys